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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUNSET COMMERCIAL LLC, a Nevada
Limited Liability Company,

Plaintiff,

vs.

STAUFFER MANAGEMENT COMPANY,
a Delaware Limited Liability Company;
MONTROSE CHEMICAL CORPORATION
OF CALIFORNIA, a Delaware Corporation;
ATLANTIC RICHFIELD COMPANY, a
Delaware Corporation; OLIN
CORPORATION, a Virginia Corporation,
TITANIUM METALS CORPORATION, a
Delaware Corporation; NL INDUSTRIES,
INC., a New Jersey Corporation; LE
PETOMANE XXVII, INC., an Illinois
Corporation, in its representative capacity as
the NEVADA ENVIRONMENTAL
RESPONSE TRUST TRUSTEE; and the
UNITED STATES OF AMERICA.

Defendants.

Case No. 2:23-CV-02081-GMN-BNW

**STIPULATION AND PROPOSED ORDER
TO EXTEND DEADLINE FOR
DEFENDANT MONTROSE CHEMICAL
CORPORATION OF CALIFORNIA TO
RESPOND TO COMPLAINT (ECF 1)**

(First Request)

Plaintiff Sunset Commercial LLC (“Sunset”) and Defendant Montrose Chemical Corporation of California (“Montrose”), by and through counsel of record, and consistent with Local Rule IA 6.1(a), hereby stipulate to an extension of time for Montrose to respond to Plaintiff’s Complaint (Docket Entry No. 1, the “Complaint”) until **May 7, 2024** (the “Stipulation”), a deadline imposed on other Defendants to file a response.

1 This is the first requested extension of these deadlines. *See* Local Rule IA 6-1(a).

2 The parties seek to abide by this Court’s “Standing Order” filed on December 19, 2023
 3 (Docket Entry No. 9), stating that “Judge Navarro will generally deny a stipulation or motion for a
 4 continuance or extension of time which lacks justification,” and that “[s]uch requests may be
 5 granted only in extraordinary circumstances if just cause is presented.” The parties to this
 6 Stipulation therefore identify the following points of justification that show just cause exists for
 7 granting the Stipulation:

- 8 1. Sunset filed the instant Complaint against the eight (8) Defendants captioned above
 9 on December 14, 2023, seeking judgment against all Defendants for contribution
 10 damages “for response costs in accordance with CERCLA Section[] 107(a),” (*see*
 11 Complaint “Prayer for Relief” ¶ 1), meaning at least a portion of the Complaint’s
 12 allegations (and especially its first two Claims for Relief) necessitate proceeding
 13 against all Defendants together, rather than serially (*see* Compl. ¶¶ 154–78);
- 14 2. All eight (8) Defendants have been served on or before March 13, 2024 (*see* Docket
 15 Entry Nos. 19–26);
- 16 3. Prior to this Stipulation only one other Defendant, Olin Corporation, has made an
 17 appearance in this case (*see* Docket Entry No. 12);
- 18 4. The parties to this Stipulation agree it would be fair, not only to themselves but to
 19 the other Defendants, to not require Montrose to file an Answer sooner than other
 20 Defendants must file an Answer, since some of Plaintiff’s claims are asserted against
 21 all Defendants jointly;
- 22 5. It would benefit Plaintiff and the Defendants that timely appear to know which
 23 Defendants may be subject to default proceedings;
- 24 6. It is the intent of the parties to this Stipulation to use the additional time to explore
 25 the possibility of mediation;
- 26 7. Discovery has not yet commenced in this case, obviating the need for further
 27 explanation under Local Rule 26-3; and

8. Extending the deadline for Montrose to file a responsive pleading would not prejudice any other party to this case, nor would it affect any other deadlines at this early stage in the proceedings.

DATED: March 28, 2024.

DATED: March 28, 2024.

LATHAM & WATKINS LLP

PARSONS BEHLE & LATIMER

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Attorneys for Sunset Commercial LLC

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Parsons Behle & Latimer and that on the 28th day of March, 2024, I filed a true and correct copy of the foregoing document, **STIPULATION AND ORDER TO EXTEND DEADLINE FOR DEFENDANT MONTROSE CHEMICAL CORPORATION OF CALIFORNIA TO RESPOND TO COMPLAINT (ECF 1) (FIRST REQUEST)**, with the Clerk through the Court's CM/ECF system, which sent electronic notification to all registered users as follows:

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